

AUS920010818US1

REMARKS

Claims 31-41 stand rejected under 35 U.S.C § 102(e) as being anticipated by Bartholomew *et al.* (U.S. Patent No. 6,167,119). As will be shown below, Bartholomew does not teach each and every element of claims 31-41. Applicants respectfully traverse the rejection below and request reconsideration of claims 31-41.

Election/Restriction

The Office Action of April 24, 2003 identifies two groups within the 47 claims filed in the present application. Group I includes claims 1-30 and 42-47. Group II includes claims 31-41. In a telephonic interview on April 2, 2003, Applicants provisionally elected with traverse Group II including claims 31-41 for prosecution in the present case. Applicants affirm the provisional election with traverse of Group II including claims 31-41. Please cancel claims 1-30 and 42-47.

Claim Rejections – 35 U.S.C. §102

Claims 31-41 stand rejected under 35 U.S.C § 102(e) as being anticipated by Bartholomew *et al.* (U.S. Patent No. 6,167,119). "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference."¹ Because Bartholomew does not teach each and every element of claims 31-41, the rejection should be withdrawn and the claims should be allowed.

¹ *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

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Independent claim 31, 35 and 39 recite a method, system and computer program product "for specifying telephone services for a particular caller" comprising "receiving, at an intermediary device, an authenticated caller identity for a call request *from an origin device*. . . ." In rejecting independent claims 31, 35, and 39 the Office Action states:

"Bartholomew teaches receiving, at the central office switch, a short code identifier for a call request from an originating telephone (fig. 4B, fig. 4C; col. 13, lines 41-67, col. 14, lines 1-7, col. 21, lines 62-67, col. 22, 1-12, col. 23, lines 61-67, col. 24, lines 1-21; 'the central office switch' reads on the claim 'an intermediary device', 'a short code identifier' reads on the claim 'an authenticated caller identity' and 'originating telephone' reads on the claim 'origin device').²

The cited columns of Bartholomew teach a two-bit short code *from a central office*, not "an authenticated caller identity for a call request *from an origin device*" as recited in claims 31, 35, and 39. The short code identifier of Bartholomew is a short code "identified by the state of two bits"³ that is included in an Initial Address Message (IAM) at a switch in the central office.⁴ The central office then "transmits [the] IAM message [including the short code] through the interoffice signaling network to the terminating central office 11N."⁵ Because Bartholomew teaches a two-bit short code from a central office, not "an authenticated caller identity for a call request from an origin device," Bartholomew does not teach each and every element of independent claims 31, 35, and 39. Bartholomew therefore does not anticipate independent claims 31, 35, and 39.

Dependent claims 32-34, 36-38, and 40-41 depend from claims 31, 35, and 39 respectively and include all of the limitations of their independent claims. Because Bartholomew does not anticipate independent claims 31, 35, and 39, Bartholomew also does not anticipate dependent claims 32-34, 36-38, and 40-41. The rejection should be withdrawn, and claims 31-41 should be allowed.

² Office Action Dated April 24, 2003, paragraph 7.

³ Bartholomew, column 24, line 20.

⁴ Bartholomew, column 24, lines 11-22.

⁵ Bartholomew, column 24, lines 6-9.

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The Commissioner is hereby authorized to charge or credit Deposit Account No. 09-0447 for any fees required or overpaid.

Respectfully submitted,

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